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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,833	11/16/2001	Hiroshi Koga	862.C2437	7585
5514	7590	11/21/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LANIER, BENJAMIN E	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/987,833	KOGA, HIROSHI
	Examiner	Art Unit
	Benjamin E. Lanier	2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 October 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15,27-29,32-35,38 and 41 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15,27-29,32-35,38 and 41 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 16 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 13 October 2006 amends claims 1-3, 5-10, 12-15, 27, 32, 33, 38, and 41. Claims 16-23, 30, 31, 36, 37, 39, 40, 42, and 43 are cancelled. Applicant's amendments have been fully considered and entered.

Response to Arguments

2. Applicant's arguments filed 13 October 2006 have been fully considered but they are not persuasive. Applicant argues that Gacek does not disclose identifying an application which issued a specific instruction to print is not persuasive because the third party merchant issues print job requests via an internet application (Col. 3, lines 45-46) that is identifiable by a token issued specifically for that internet application (Col. 12, lines 41-60).

3. Applicant contends that print authorization in Gacek is based on user preferences alone. This is not the case, because Gacek shows that print job requests are authenticated based on the tokens that accompany a print job request (Col. 12, lines 41-60).

Claim Objections

4. Claim 15 is objected to because of the following informalities: "a an authentication" should be changed to "an authentication." Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Gacek, U.S. Patent No. 6,795,205. Referring to claim 15, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16), which meets the limitation of a receiving step of receiving information obtained from electronic data for which an instruction to print has been issued, said information identifying an application which issued the instruction to print the electronic data, a selecting step of selecting information required for user authentication from the information identifying the application received in said receiving step, a sending step of sending an authentication request appended with the selected information for approving the print process of the electronic data to a server via a network, and a controlling step of, when authentication has succeeded, controlling a printer to execute the print process using the electronic data, and of, when authentication has been denied, controlling so as to deny the print process of the electronic data because Gacek describes that the print jobs are allowed based on the user preferences specifying which third-party internet applications are allowed to submit print jobs for printing (Col. 12, lines 37-40 & Col. 18, lines 4-7).

Claim Rejections - 35 USC § 103

Art Unit: 2132

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-5, 7-12, 27-29, 32-35, 38, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gacek, U.S. Patent No. 6,795,205, in view of Montague, U.S. Patent No. 5,675,782. Referring to claim 1, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16), which meets the limitation of obtaining, from electronic data for which an instruction to print has been issued, information identifying an application which issued the instruction to print the electronic data, executing an authentication request for approving an output process of the electronic data

based on the information identifying the application and controlling the print process so as to permit execution of image processing using the printer driver and the output process in response to a success of the authentication, or to deny execution of the image processing using the printer driver in response to a failure of the authentication because Gacek describes that the print jobs are allowed based on the user preferences specifying which third-party internet applications are allowed to submit print jobs for printing (Col. 12, lines 37-40 & Col. 18, lines 4-7). The CPSI server receives the print job from the third-party merchant (Col. 14, lines 58-67) and spools the print job with the printer driver of the printer selected for printing (Col. 15, lines 1-8). Gacek does not disclose that the printer driver uses an API function to receive information about the print job. Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11), which meets the limitation of said information is obtained by using an application interface (API) called by the printer driver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an API called by the printer driver in Gacek to collect information about the print job because APIs provide a relatively easy way to manipulate access to virtually any type of entity on a network, while insulating the user from various formatting and other operating system specific access control parameters as taught by Montague (Col. 5, line 65 – Col. 6, line 11).

Referring to claim 2, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of the attribute information contains application name, document creator/updater.

Art Unit: 2132

Referring to claim 3, Gacek discloses that the user printing preferences also includes compensation information that specifies the amount of printing the user will perform before the requesting third-party must compensate the user for the pushed print jobs (Col. 18, lines 12-16), which meets the limitation of when user authentication has succeeded and a print process is executed, an accounting process of expendables associated with the document print process for each user or each department of a group to which the user belongs.

Referring to claim 4, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of the attribute information contains application name.

Referring to claim 5, Gacek discloses that the user printing preferences also includes compensation information that specifies the amount of printing the user will perform before the requesting third-party must compensate the user for the pushed print jobs (Col. 18, lines 12-16), which meets the limitation of when user authentication has succeeded and a print process is executed, executing an accounting process associated with use of the application for each user or each department of a group to which the user belongs.

Referring to claim 7, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16), which meets the

limitation of means for obtaining, from electronic data for which an instruction to print has been issued, information identifying an application which issued the instruction to print the electronic data, means for executing an authentication request for approving an output process of the electronic data based on the information identifying the application and means for controlling the print process so as to permit execution of image processing using the printer driver and the output process in response to a success of the authentication, or to deny execution of the image processing using the printer driver in response to a failure of the authentication because Gacek describes that the print jobs are allowed based on the user preferences specifying which third-party internet applications are allowed to submit print jobs for printing (Col. 12, lines 37-40 & Col. 18, lines 4-7). The CPSI server receives the print job from the third-party merchant (Col. 14, lines 58-67) and spools the print job with the printer driver of the printer selected for printing (Col. 15, lines 1-8). Gacek does not disclose that the printer driver uses an API function to receive information about the print job. Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11), which meets the limitation of said information is obtained by using an application interface (API) called by the printer driver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an API called by the printer driver in Gacek to collect information about the print job because APIs provide a relatively easy way to manipulate access to virtually any type of entity on a network, while insulating the user from various formatting and other operating system specific access control parameters as taught by Montague (Col. 5, line 65 – Col. 6, line 11).

Art Unit: 2132

Referring to claim 8, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of the attribute information contains application name, document creator/updater.

Referring to claim 9, Gacek discloses that the trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16), which meets the limitation of means of said means for executing an authentication request is included in the server. The client computer also includes a printer driver (Figure 2), which meets the limitation of said obtaining means and extraction means are included in the printer driver.

Referring to claim 10, Gacek discloses that the user printing preferences also includes compensation information that specifies the amount of printing the user will perform before the requesting third-party must compensate the user for the pushed print jobs (Col. 18, lines 12-16), which meets the limitation of when user authentication has succeeded and a print process is executed, executing an accounting process of expendables associated with the document print process for each user or each department of a group to which the user belongs.

Referring to claim 11, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of the attribute information contains application name.

Referring to claim 12, Gacek discloses that the user printing preferences also includes compensation information that specifies the amount of printing the user will perform before the requesting third-party must compensate the user for the pushed print jobs (Col. 18, lines 12-16), which meets the limitation of when user authentication has succeeded and a print process is

executed, executing an accounting process associated with use of the application for each user or each department of a group to which the user belongs.

Referring to claims 27, 32, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16); which meets the limitation of extracting means for extracting, from electronic data for which an instruction to print has been issued, information identifying an application which issued the instruction to print the electronic data, output means for outputting the information extracted by said extracting means to said external information processing apparatus in order to use the information for the authentication for the print because Gacek describes that the print jobs are allowed based on the user preferences specifying which third-party internet applications are allowed to submit print jobs for printing (Col. 12, lines 37-40 & Col. 18, lines 4-7). The CPSI server receives the print job from the third-party merchant (Col. 14, lines 58-67) and spools the print job with the printer driver of the printer selected for printing (Col. 15, lines 1-8). Gacek does not disclose that the printer driver uses an API function to receive information about the print job. Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11), which meets the limitation of the extracting means extracts the information

identifying the application from the electronic data for which an instruction to print has been issued by calling a printer driver module and an application interface (API) provided in the printer driver module, wherein said API is between the printer driver module and an operating system that operates the electronic data in said information processing apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an API called by the printer driver in Gacek to collect information about the print job because APIs provide a relatively easy way to manipulate access to virtually any type of entity on a network, while insulating the user from various formatting and other operating system specific access control parameters as taught by Montague (Col. 5, line 65 – Col. 6, line 11).

Referring to claim 28, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of said information further contains document creator, application of the document creator.

Referring to claim 29, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of said information further contains an application name indicating an application to be used.

Referring to claims 33, 38, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server

store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16), which meets the limitation of extracting step of extracting, from electronic data for which an instruction to print has been issued, information identifying an application which issued the instruction to print the electronic data, output step of outputting the information extracted by said extracting means to said external information processing apparatus in order to use the information for the authentication for the print because Gacek describes that the print jobs are allowed based on the user preferences specifying which third-party internet applications are allowed to submit print jobs for printing (Col. 12, lines 37-40 & Col. 18, lines 4-7). The CPSI server receives the print job from the third-party merchant (Col. 14, lines 58-67) and spools the print job with the printer driver of the printer selected for printing (Col. 15, lines 1-8). Gacek does not disclose that the printer driver uses an API function to receive information about the print job. Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11), which meets the limitation of the extracting step extracts the information identifying the application from the electronic data for which an instruction to print has been issued by calling a printer driver module and an application interface (API) provided in the printer driver module, wherein said API is between the printer driver module and an operating system that operates the electronic data in said information processing apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an API called by the printer driver in Gacek to collect information about the print job because APIs provide a relatively easy way to manipulate access to virtually any type of entity on a network, while insulating the user from

various formatting and other operating system specific access control parameters as taught by Montague (Col. 5, line 65 – Col. 6, line 11).

Referring to claim 34, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of said information further contains document creator, application of the document creator.

Referring to claim 35, Gacek discloses that the print job identifies the third-party application that issued the print job (Col. 12, lines 37-40 & Col. 18, lines 4-7), which meets the limitation of said information further contains an application name indicating an application to be used.

Referring to claim 41, Gacek discloses that the CPSI server can be part of the client terminal, such as a set top box (Figure 2), which meets the limitation of a computer-readable storage medium storing a computer-executable program for performing the user authentication.

10. Claims 6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gacek, U.S. Patent No. 6,795,205, in view of Montague, U.S. Patent No. 5,675,782, as applied to claims 1, 2, 7, 8, and in further view of Kadowaki, U.S. Patent No. 6,313,921. Referring to claim 6, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-

Art Unit: 2132

17, 31-58 & Col. 17, line 49 – Col. 18, line 16). Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11). Gacek does not disclose that the third-party print jobs are authenticated based on an ID and password of the third party. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the third-party print jobs of Gacek to include an ID and password of the third party that can be compared to an ID and password that is entered when the user sets up the printing preferences in order to further provide a means of preventing unwanted third party print jobs as taught by Kadowaki (Col. 16, lines 11-16).

Referring to claim 14, Gacek discloses a home-based printing system wherein third-party party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16). Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11). Gacek does not disclose that the third-party print jobs are authenticated based on an ID and password of the third party. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the third-party print jobs of Gacek to include an ID and password of the third party that can be compared to an ID and password that is entered when the user sets up the printing

preferences in order to further provide a means of preventing unwanted third party print jobs as taught by Kadowaki (Col. 16, lines 11-16).

11. Claims 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gacek, U.S. Patent No. 6,795,205, in view of Montague, U.S. Patent No. 5,675,782, as applied to claims 7, 8, and in further view of Weigley, U.S. Patent No. 6,711,677. Gacek discloses a home-based printing system wherein third-party push print jobs are authenticated before being accepted by a home-based printer. Third-party merchants wishing to push a print job to the home printer of a client computer negotiate with trusted intermediaries to determine whether the intended client allows the specified print jobs (Col. 11, lines 33-35, 50-60). The trusted intermediaries and the CPSI server store user preference related to which third-party internet applications are allowed to push print jobs to the client printer (Col. 12, lines 13-17, 31-58 & Col. 17, line 49 – Col. 18, line 16). The client computer also includes a printer driver (Figure 2), which meets the limitation of said obtaining means and extraction means are included in the printer driver. Montague discloses access control to network entities such as printers using called APIs collect permissions information about a request for access (Abstract & Col. 5, line 63 – Col. 6, line 11). Gacek does not disclose that the authentication of the third-party internet application is performed within the printer. Weigley discloses a secure printing method wherein the printer authenticates the print job before performing the actual printing (Col. 2, lines 35-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made for the printer in Gacek to perform the authentication of the print jobs by storing user preferences within the printer instead of the client in order to ensure that no tampering has occurred with the print job between the client and the terminal as taught in Weigley (Col. 2, lines 46-53).

Conclusion

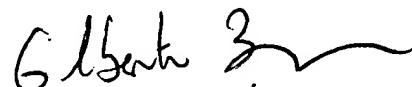
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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